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REMARKS

Claims 36-77 are pending, with claims 36, 48, 56, 64, 68, and 69 being independent. Claims 1-35 were previously cancelled and claims 70-77 have been added by way of this response. No new matter has been added.

Claim Rejections Under 35 U.S.C. § 112

Claims 36, 37, 48, 49, 56, 57, 64, 65, 68 and 69 rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Without conceding the propriety of the Examiner's rejection, but merely to expedite the prosecution of the present application, Applicant has amended claims 36, 37, 48, 49, 56, 57, 64, 65, 68 and 69 to remove the use of the term transparent location. Accordingly, this rejection has been obviated and/or rendered moot.

With respect to the Office's rejection of the term "immutable," Applicant respectfully submits that the storage of the video instant message at the instant messaging host is representative of a location immutable by the sender and/or the recipient. For example, the Examiner is requested to review pages 21-25 of the present application, which describes the capability of the host 604 to receive and moderate video instant messages, e.g., through a queue. See, e.g., FIGs. 10A-11. Accordingly, this rejection should be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 36-38, 43, 48-51, 56-58, and 63-69 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over DeSimone et al. (U.S. Patent No. 6,212,548) in view of Ozkan et al. (U.S. Patent No. 6,748,421). Claims 39-42 and 59-62 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over DeSimone and Ozkan, and further in view of Doty, Jr. (U.S. Patent No. 6,795,863). Claims 44-47 and 52-55 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over DeSimone and Ozkan, and further in view of Wan et al. (U.S. Patent No. 6,529,475). These rejections are respectfully traversed.

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Claim 36 recites a communications method in which an instant messaging communications session between a sender and a recipient is established through an instant messaging host. During the instant messaging communications session between the sender and the recipient, a video instant message is generated on behalf of the sender. The video instant message is stored at the instant messaging host. An indication that triggers sending of the video instant message to the recipient is provided to the instant messaging host after generation of the video instant message is completed.

Applicant respectfully submits that the prior art of record fails to describe or suggest all of the features of claim 36. Specifically, the art of record fails to describe or suggest "providing, to the instant messaging host, an indication that triggers sending of the video instant message to the recipient after generation of the video instant message is completed," as recited in claim 36. Furthermore, the art of record fails to describe or suggest "storing the video instant message at the instant messaging host" "during the instant messaging communications session between the sender and the recipient," as recited in claim 36.

DeSimone is cited as the primary reference and is modified in view of Ozkan et al. Specifically, the Office asserts that DeSimone describes enabling a user to participate in "multiple simultaneous real-time chat sessions with a plurality of other participants using a single client residing on a personal computer, workstation, or terminal" (DeSimone, col. 1, lines 31-33). The multiple chat sessions may be operated in a client-server architecture (FIG. 2A), or in a peer-to-peer architecture (FIG. 2B). The user may participate in the multiple chat sessions through manipulation of one or more windows corresponding to the multiple chat sessions. Additionally, while enabling a user to participate in one of the multiple chat sessions, DiSimone was said to enable the user to exchange a single type of message (e.g., textual messages, audio messages, or video messages) with other users that also are participating in the chat session.

DeSimone fails to describe or suggest storing the video instant message at an instant messaging host. The Office has pointed to col. 1, lines 45-47 and/or col. 15, lines 58-63 for support for the suggestion that DeSimone describes or suggests storing a video instant message at an instant messaging host. However, DeSimone does not describe or suggest an instant

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messaging host and/or the storing of video instant messages at an instant messaging host. In DeSimone, including the cited portions relied upon by the Office which describe Internet Relay Chat (IRC), the generation and storage of chat messages or conversation histories are maintained at/through client terminals. See Abstract, col. 1, lines 25-60. Accordingly, the Office's reliance upon DeSimone is improper.

Further, it is noted that Ozkan et al. has not been relied upon by the Office to describe or suggest storing a video instant message at an instant messaging host. Moreover, Applicant submits that this reference is not related to video instant messages, or storing video instant messages at an instant messaging host. For example, the Office will note that Ozkan describes generating and storing video messages at a client terminal. Further, in those embodiments which do suggest remote storage of a video message, the video message is stored at a remote server for retrieval by the sender at a later date and/or which is not intended for use by a recipient. See col. col. 10, lines 13-68 through col. 19, lines 1-5 (First Embodiment) and col. 24, lines 13-35 (Fourth Embodiment).

Accordingly, Applicant submits that DeSimone and/or Ozkan et al. do not describe or suggest the capability to store video instant messages at an instant messaging host at the cited passages or anywhere else in this reference. This rejection should therefore be withdrawn.

In addition, Applicant submits that DeSimone and/or Ozkan et al. fail to describe or suggest receiving an indication at the instant messaging host from the user, that triggers the sending of the video instant message after recording of the video instant message is completed by the sender. Applicant submits that DeSimone does not describe or suggest an instant messaging host which stores the video instant message and/or providing, to the instant messaging host, an indication that triggers the sending of the video instant message. In fact, the Office acknowledges that "DeSimone fails to teach the limitation further including providing, to the instant messaging host, an indication that triggers the sending of the message." See Office Action dated November 17, 2005, p. 4. Therefore, DeSimone fails to teach providing, to the instant messaging host, an indication that triggers sending.

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As aforementioned, Ozkan et al. is similarly deficient. Ozkan et al. does not describe storing a video instant message at an instant messaging host. Further, the alleged analogous "indication that triggers sending" cited by the Examiner is a client device, e.g., a sending station 100 which includes video message editing capability. However, there is no teaching or suggestion that Ozkan et al. includes or provides an indication, which is sent to an instant messaging host, that triggers the sending of a video instant message being sent from an instant messaging host.

Thus, DeSimone and Ozkan et al., either alone or in combination, do not describe or suggest storing a video instant message at the instant messaging host and/or providing, to the instant messaging host, an indication that triggers sending of the video instant message to the recipient after generation of the video instant message is completed, as recited in claim 36. Furthermore, the remaining references of the prior art of record, including Doty, do not remedy the aforementioned deficiencies of DeSimone and Ozkan et al.. In fact, the Office has not relied upon the remaining references to describe or suggest these deficiencies.

Accordingly, Applicant respectfully requests allowance of claim 36 and its dependent claims.

Similarly, claim 48, 56, 64, 68, and 69 recite a video instant message that is sent or received through the instant messaging host on behalf of the sender or the recipient during the instant messaging communications session between the sender and the recipient and after the instant messaging host receives an indication that generation of the video instant message is completed. The video instant message is stored, accessed, and presented from the instant messaging host to the user. Accordingly, Applicant respectfully requests allowance of independent claims 48, 56, 64, 68, and 69, and their respective dependent claims, for at least the reasons discussed above with respect to claim 36.

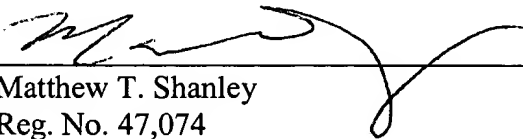Applicant submits that all pending claims are in condition for allowance.

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The Office is respectfully requested to charge $400.00 for excess claim fees to deposit account 06-1050. In addition, the Office is respectfully requested to charge $450.00 for the Petition for Extension of Time fee to deposit account 06-1050. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: April 17, 2006

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